

**TITLE 14. NATURAL RESOURCES
GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN the California Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend the California Code of Regulations, Title 14, Division 3, Chapter 15 (CCR) Sections 4970.01, 4970.03, 4970.05.1, 4970.06.1, 4970.07.2, 4970.08, 4970.08.1, 4970.08.2, 4970.09, 4970.10, 4970.10.1, 4970.13, 4970.17.1, 4970.19, 4970.19.2, 4970.20, 4970.23.2, 4970.24.1, 4970.26.

PUBLIC HEARING

The Department has scheduled a telephonic public hearing on the proposed rulemaking. The hearing will be held on June 20, 2023. The meeting will commence at 2 PM.

Conference Line: 1 916 409 6039
Phone conference ID: 786 198 766#

Any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the subject matter open to discussion or consideration becomes part of the public record. Such information shall be retained by the Department and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends on June 19, 2023. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division

Attn: Sixto J. Fernandez, Grants Manager
Grants and Cooperative Agreements
PO Box 842896
Sacramento, CA 94296

Written comments delivered by email will also be accepted by the Department. Written comments may be submitted by email to OHV.Grants@parks.ca.gov. Electronic mail must be received by the deadline given above.

AUTHORITY AND REFERENCE

Authority Citation: The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5020.1(j), 5024.1, 5090.01 through 5090.65 and 21000 et seq.; Vehicle Code Sections 38001 and 38006; Education Code Sections 210.3 and 66010.4; 25 CFR Section 83.5(a); 40 CFR part 1500.1 et seq.; U.S. IRC Section 501(c)(3); USC Title 42, Section 4371.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

PRC Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation (OHMVR) Act of 2003, as amended, governs the OHMVR Division's grants and cooperative agreements with cities, counties, Districts, U.S. Forest Service, U.S. Bureau of Land Management, other Federal Agencies, State and Federally Recognized Native American Tribes, Nonprofit organizations, Educational Institutions, Certified Community Conservation Corps, and State agencies.

The Grants and Cooperative Agreements Program (Program) is administered by the OHMVR Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality off-highway vehicle (OHV) recreation areas, roads, trails, and other facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV recreation. Assistance is provided in the form of project-specific grant funding. Grants are awarded through a competitive process where applicants and their projects are evaluated using objective criteria.

Effect of the Proposed Rulemaking

Generally, the proposed regulatory revisions will make the regulatory language more concise, clear, and consistent by amending Program regulations and various documents within the Appendix, incorporated by reference.

Specifically, the proposed regulatory revisions would:

Article 1: General Provisions

CCR Section 4970.01:

Amend CCR Section 4970.01(e) and (qq):

Specific purpose: The specific purpose of this amendment is to revise existing terminology to be consistent with current nomenclature when referring to Native American Tribes within California.

Benefit/Necessity: The proposed amendment is necessary to update terminology used in these regulations when referring to Native American Tribes within California. The revised language uses the current nomenclature used in California Public Resources Code 21080.3.1.

Amend CCR Section 4970.01(e)

Specific purpose: The specific purpose of this amendment is to update numbering of 4970.01(f) through 4970.01(qq) to reflect the alphabetical order of the definitions with the change from “State Recognized Native American Tribe” to “California Native American Tribe”.

Benefit/Necessity: The updated numbering is necessary to ensure that definitions are organized alphabetically.

Amend CCR Section 4970.01(u):

Specific Purpose: The specific purpose of this amendment is to correct the word “statues” to read “statutes”.

Benefit/Necessity: The proposed amendment is necessary to correct a spelling error within the definition of “Good Standing”.

Amend CCR Section 4970.01(v):

Specific Purpose: The specific purpose of this amendment is to revise existing regulatory terminology to be consistent with current nomenclature when referring to Native American Tribes within California.

Benefit/Necessity: The proposed amendment is necessary to update terminology used in these regulations when referring to Native American Tribes within California. The revised language uses the current nomenclature used in California Public Resources Code 21080.3.1.

Amend 4970.03(a)(6)

Specific Purpose: The specific purpose of this amendment is to revise existing regulatory terminology to be consistent with current nomenclature when referring to Native American Tribes within California.

Benefit/Necessity: The proposed amendment is necessary to update terminology used in these regulations when referring to Native American Tribes within California. The revised language uses the current nomenclature used in California Public Resources Code 21080.3.

Amend 4970.03(b) Table 1:

Specific Purpose: The specific purpose of this amendment is to revise existing regulatory terminology to be consistent with current nomenclature when referring to Native American Tribes within California

Benefit/Necessity: The proposed amendment is necessary to update terminology used in these regulations when referring to Native American Tribes within California. The revised language uses the current nomenclature used in California Public Resources Code 21080.3.

CCR Section 4970.05:

Amend 4970.05.1(d):

Specific Purpose: The specific purpose of this amendment is to relocate subsection (f) to subsection (d) in order to improve the flow of information.

Benefit/Necessity: The proposed amendment is necessary to improve the flow of information regarding the subject matter being presented.

Amend 4970.05.1(e):

Specific Purpose: The specific purpose of this amendment is to relocate subsection (o) to subsection (e) to improve the flow of information and include language that broadens the number of recognized governmental agencies that can investigate applicants.

Benefit/Necessity: The proposed amendment is necessary to improve the flow of information about the information being presented. Additionally, the amendment ensures that applicants who may be under investigation by any government agency cannot apply to the Program until such investigation is complete. Restricting an investigative body solely to the Attorney General is too restrictive and does not adequately safeguard the taxpayer's funds.

Amend 4970.05.1(f)(1-2):

Specific Purpose: The specific purpose of this amendment is to adjust the numbering of this section following the movement of subsections (d) through (e).

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with regards to information being presented.

Amend 4970.05.1(g)(2):

Specific Purpose: The specific purpose of this amendment is to ensure applicants are aware that inventories of equipment must include heavy equipment.

Benefit/Necessity: The proposed amendment is necessary as equipment, in its regulatory definition, does not include items classified as heavy equipment. The Division must also maintain records of heavy equipment purchased by a grantee through the program.

Amend 4970.05.1(g)(1-8):

Specific Purposes: The specific purpose of this amendment is to renumber sections 1-8 to improve clarity for reading. The content of subsection (g) (1-8) has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion regarding information being presented. The content of subsection (g) (1-8) has not changed.

Amend 4970.05.1(g)(5)(D)

Specific Purpose: The specific purpose of this amendment is to require land manager letters state how HMP and Soils Plan requirements will be addressed by both the land manager and the applicant if the project requires such reports. .

Benefit/Necessity: The proposed amendment is necessary to ensure that both the applicant and the land manager have communicated and recorded how each party will be participating in the HMP and Soils process.

Repeal 4970.05.1(o):

Specific Purpose: The specific purpose of this amendment is to remove this section and move it to 4970.05.1(e).

Benefit/Necessity: The proposed amendment is necessary to reduce confusion regarding information being presented.

Subarticle 1: Environmental Requirements
CCR Section 4970.06.1

Amend 4970.06.1(c):

Specific Purpose: The specific purpose of this amendment is to revise existing regulatory terminology to be consistent with current nomenclature when referring to Native American Tribes within California.

Benefit/Necessity: The proposed amendment is necessary to update terminology used in these regulations when referring to Native American Tribes within California. The revised language uses the current nomenclature used in California Public Resources Code 21080.3.1.

Amend 4970.06.1(c)(1):

Specific Purpose: The specific purpose of this amendment is to revise existing regulatory terminology to be consistent with current nomenclature when referring to Native American Tribes within California.

Benefit/Necessity: The proposed amendment is necessary to update terminology used in these regulations when referring to Native American Tribes within California. The revised language uses the current nomenclature used in California Public Resources Code 21080.3.1

CCR Section 4970.07.2

Amend 4970.07.2(f) (4):

Specific Purpose: The specific purpose of this amendment is to include heavy equipment as an item which associated costs can be decreased or eliminated by the Division.

Benefit/Necessity: The proposed amendment is necessary as equipment, in its regulatory definition, does not include items classified as heavy equipment. This amendment is necessary to ensure that heavy equipment costs submitted by grantees to the Division can be reviewed and adjusted by staff to only allow for the reimbursement of actual costs.

CCR Section 4970.08

Amend 4970.08 (b)(6)

Specific Purpose: The specific purpose of this amendment is to remove “etc.”.

Benefit/Necessity: The proposed amendment is necessary to eliminate a redundancy within the parenthesis and to improve the readability and clarity of the text.

Amend 4970.08 (b)(9)(B)

Specific Purpose: The specific purpose of this amendment is to provide specific examples of eligible costs and documentation related to transportation of which are accepted by the Division.

Benefit/Necessity: The proposed amendment is necessary to specify what documentation will be accepted by the Division in order to be reimbursed for transportation costs. The revision to the language are common ways transportation fees can be documented.

Amend 4970.08(b)(10):

Specific Purpose: The specific purpose of this amendment is to provide clarity to grantees that all written material containing the “OHV Funds at Work” logo must have Division approval prior to publishing and distribution to the public.

Benefit/Necessity: This proposed amendment is necessary to ensure consistent and appropriate messaging to the public regarding various written materials funded by the Program.

Amend 4970.08(b)(10):

Specific Purpose: The specific purpose of this amendment is to update the title of the logo that is to appear on materials funded by the Division and maintain consistency throughout the CCR.

Benefit/Necessity: The proposed amendment is necessary to ensure that applicants are aware of the proper name of the logo that needs to go on grant funded publications.

Amend 4970.08(b)(10)(A):

Specific Purpose: The specific purpose of this amendment is to specify that all grant funded materials be available to the public for free.

Benefit/Necessity: The proposed amendment is necessary to ensure that all materials funded by the Program be made available to the public for free.

Repeal 4970.08(b)(11):

Specific Purpose: The specific purpose of this amendment is to disallow the renting or leasing of a facility for office space.

Benefit/Necessity: Past misuse of leased or rented facilities paid for with grant funds for purposes not directly related to OHV use and the inability for Division staff to uniformly enforce appropriate facility use has led to this change being proposed. The proposed amendment is necessary to ensure that taxpayer funds are being spent appropriately and are being used on activities that are directly related to OHV Recreation in California.

Amend 4970.08(b)(12):

Specific Purpose: The specific purpose of this amendment is to renumber the section following the repeal of section 4970.08 (b) (11).

Benefit/Necessity: The proposed amendment is necessary to retain consistent numbering within the CCR.

Amend 4970.08.1(c)(4)

Specific Purpose: The specific purpose of this amendment is to specifically state that repairs to equipment purchased with Program funds may be reimbursed upon Division approval and only at a license repair facility.

Benefit/Necessity: The proposed amendment is necessary to ensure that work on Program purchased equipment be done by qualified repair personnel to ensure proper repair is completed.

Amend 4970.08.1(c)(5)

Specific Purpose: The specific purpose of this amendment is to renumber the section following the addition of section 4970.08.1(c)(4).

Benefit/Necessity: The proposed amendment is necessary to retain consistent numbering within the CCR.

CCR Section 4970.08.2

Amend 4970.08.2(a)(2)

Specific Purpose: The specific purpose of this amendment is to add “mileage” as a method for a grantee to seek reimbursement for fuel costs.

Benefit/Necessity: The proposed amendment is necessary to provide the grantee flexibility to recover fuels costs for the project aside from only gas receipts. It also provides guidance to the grantee that fuels costs can only be reimbursed for actual costs.

Amend 4970.08.2(b)(2)

Specific Purpose: The proposed amendment is necessary to provide the grantee flexibility to recover fuels costs for the project aside from only gas receipts. It also provides guidance to the grantee that fuels costs can only be reimbursed for actual costs. Sections 2-4 were formerly combined and needed to be separated out for clarity; the subsection’s language and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to provide the grantee flexibility to recover fuels costs for the project aside from only gas receipts. It also provides guidance to the grantee that fuels costs can only be reimbursed for actual costs.

Adopt 4970.08.2(b)(3)

Specific Purpose: The specific purpose of this amendment is to provide clarity to the grantee that maintenance costs may be reimbursed if the maintenance is consistent with the equipment’s manufacturer’s maintenance schedule. Additionally, this amendment requires that all maintenance be completed by a licensed repair facility. Sections 2-4 were formerly combined and needed to be separated out for clarity; the subsection’s language and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to provide the grantee further clarity on how maintenance costs for equipment may be recovered through the Program.

Amend 4970.08.2(b)(4)

Specific Purpose: The specific purpose of this amendment is to update the numbering of the section following the adoption of section (3). Sections 2-4 were formerly

combined and needed to be separated out for clarity. The subsection's language and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to be consistent with the numbering system within the current regulations.

Amend 4970.08.2(c)

Benefit/Necessity: The specific purpose of this amendment is to specify that a grantee may only seek reimbursement for transportation costs at their actual cost.

Specific Purpose: The proposed amendment is necessary to maintain consistency with sections of the regulations that state transportation costs may not exceed actual costs.

CCR Section 4970.09

Amend 4970.09 (b)(15)

Specific Purpose: The specific purpose of this amendment is to disallow the renting or leasing of a facility for office space.

Benefit/Necessity: Past misuse of leased or rented facilities paid for with grant funds for purposes not directly related to OHV use and the inability for Division staff to uniformly enforce appropriate facility use has led to this change being proposed. The proposed amendment is necessary to ensure that taxpayer funds are expended appropriately and are used in ways that are directly related to OHV recreation in California. This amendment is consistent with the repeal of CCR section 4970.08(b)(11).

Article 2: Project Types and Specific Application Requirements.

CCR Section 4970.10

Amend 4970.10(f) table 3

Specific Purpose: The specific purpose of this amendment is to revise existing terminology to be consistent with current nomenclature when referring to Native American Tribes within California.

Benefit/Necessity: The proposed amendment is necessary to update terminology used in these regulations when referring to Native American Tribes within California. The revised language uses the current nomenclature used in California Public Resources Code 21080.3

CCR Section 4970.10.1

Repeal 4970.10.1(d)(3)

Specific Purpose: The specific purpose of this amendment is to repeal a section that has become irrelevant to the ground operations project type.

Benefit/Necessity: The proposed amendment is necessary as the section contains requirements that are irrelevant for ground operations activities when those activities are conducted for emergency purposes.

Amend 4970.10.1(d)(4)

Specific Purpose: The specific purpose of this amendment is to update the numbering of the section following the removal of section (3)

Benefit/Necessity: This amendment is necessary to remain consistent with the numbering system within the regulations.

CCR Section 4970.13

Amend 4970.13 (e)(2)(B)

Specific Purpose: The specific purpose of the amendment is to remove reference to the “loan program”, which no longer exists.

Benefit/Necessity: This amendment is necessary to remove reference to a program to loan grantees safety equipment that the Division no longer offers.

Article 3: Application Evaluation System and Funding.

CCR Section 4970.17.1

Amend 4970.17.1(f)

Specific Purpose: The specific purpose of this amendment is to revise the expiration date of the contingency list.

Benefit/Necessity: The proposed amendment is necessary to allow the Division to fully utilize unused grant funds during any given grant cycle.

Article 4: Project Administration Process

CCR Section 4970.19

Amend 4970.19(d)

Specific Purpose: The specific purpose of this amendment is to achieve consistency of terms used within the CCR when using the defined term “Good Standing”.

Benefit/Necessity: The proposed amendment is necessary for clarity and consistency in the use of specialized terminology within the CCR.

CCR Section 4970.19.2

Amend 4970.19.2

Specific Purpose: The specific purpose of this amendment is to specify that project amendments will only be needed solely for time extensions

Benefit/Necessity: The proposed amendment is necessary to ensure that grantees are made aware that changes to the Project Cost Estimate will no longer require a formal amendment

CCR Section 4970.20

Amend 4970.20

Specific Purpose: The specific purpose of this amendment is to ensure grantees have the same regulatory management requirements for regular equipment, heavy equipment and trailers.

Benefit/Necessity: The proposed amendment is necessary to ensure that equipment, heavy equipment, and trailers are cared for and managed in a consistent manner.

Amend 4970.20(a)

Specific Reason: The specific purpose of this amendment is to increase readability by reducing redundancy.

Benefit/Necessity: The proposed amendment is necessary to ensure that requirements related to equipment, heavy equipment, and trailers are clear to understand.

Amend 4970.20(b)

Specific Reason: The specific purpose of this amendment is to increase readability by reducing redundancy.

Benefit/Necessity: The proposed amendment is necessary to ensure that requirements related to equipment, heavy equipment, and trailers are clear to understand.

Amend 4970.20(b)(1)

Specific Reason: The specific purpose of this amendment is to increase readability by reducing redundancy.

Benefit/Necessity: The proposed amendment is necessary to ensure that requirements related to equipment, heavy equipment, and trailers are clear to understand.

Amend 4970.20(b)(2)

Specific Reason: The specific purpose of this amendment is to increase readability by reducing redundancy.

Benefit/Necessity: The proposed amendment is necessary to ensure that requirements related to equipment, heavy equipment, and trailers are clear to understand.

Amend 4970.20(d)

Specific Reason: The specific purpose of this amendment is to increase readability by reducing redundancy.

Benefit/Necessity: The proposed amendment is necessary to ensure that requirements related to equipment, heavy equipment, and trailers are clear to understand.

Amend 4970.20(e)

Specific Reason: The specific purpose of this amendment is to increase readability by reducing redundancy.

Benefit/Necessity: The proposed amendment is necessary to ensure that requirements related to equipment, heavy equipment, and trailers are clear to understand.

Amend 4970.20(f)

Specific Reason: The specific purpose of this amendment is to increase readability by reducing redundancy.

Benefit/Necessity: The proposed amendment is necessary to ensure that requirements related to equipment, heavy equipment, and trailers are clear to understand.

CCR Section 4970.23.2

Amend 4970.23.2(f)

Specific Reason: The specific purpose of this amendment is to promote consistency throughout the CCR as GPS coordinates and photos are required documentation for payment advances but were not previously listed as such for payment reimbursements.

Benefit/Necessity: The proposed amendment is necessary to ensure grantees provide GPS coordinates and photos of project areas for payment reimbursements like the requirement for payment advances.

CCR Section 4970.24.1

Amend 4970.24.1(a)(3)

Specific Purpose: The specific purpose of this amendment is to update the submission requirements for project documentation.

Benefit/Necessity: The proposed amendment is necessary to require grantees provide necessary documents in an electronic format as opposed to “hard copies”. Electronic documentation has become a more effective and efficient way to maintain official records within the Program.

Amend 4970.24.1(a)(5)

Specific Purpose: The specific purpose of this amendment is to provide consistency with equipment, heavy equipment and trailers with regards to providing photos to the Program and the affixing of the “OHV Funds at Work” logo requirement.

Benefit/Necessity: The proposed amendment is necessary to ensure consistency in the regulatory requirements of equipment, heavy equipment and trailers.

Adopt 4970.24.1(e)

Specific Purpose: The specific purpose of this amendment is to require grantees obtain Division approval prior to any modifications to the project cost estimate.

Benefit/Necessity: The proposed amendment is necessary to prevent a grantee from making unilateral changes to the project cost estimate.

Adopt 4970.24.1(e)(1):

Specific Purpose: The specific purpose of this amendment is to clarify to grantees that any change to a project cost estimate made without prior Division approval may not be reimbursed.

Benefit/Necessity: The proposed amendment is necessary to ensure effective communication between the grantee and the Division as it relates to the expenditures of grant funds.

Article 5: Contacting the OHMVR Division.
CCR Section 4970.26

Amend 4970.26(a)

Specific Purpose: The specific purpose of this amendment is to update the mailing address for the Division.

Benefit/Necessity: The proposed amendment is necessary to ensure that correspondence reaches the Division at its most current address.

Amend 4970.26(c)

Specific Purpose: The specific purpose of this amendment is to update the contact information for the Program, namely the removal of the fax number and the updating of the email address.

Benefit/Necessity: The proposed amendment is necessary to ensure that correspondence reaches the Program at its new email address, and to reflect the removal of a fax number that is no longer associated with the Program.

Comparable Federal Regulations

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

Policy Statement Overview and Anticipated Benefits of the Proposed Rulemaking

The overall objective of the proposed action is to improve the Program's regulatory language, documents incorporated by reference, and ensure public funds are being spent wisely and within the State's best interest in supporting motorized recreation.

These proposals, based on Division experience implementing the Program, will also reduce confusion for applicants and grantees and make the regulatory language concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

Determination of Inconsistency/Incompatibility with Existing Regulations

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning grants that supports the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

Grants and Cooperative Agreements Program – Appendix (Rev. 1/21)

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Cost to any Local Agency or School District: None.

Cost or Savings to any State Agency: None.

Other Non-Discretionary Cost or Savings Imposed of Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Significant Effects on Housing Costs: None.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department finds that jobs, at worst would not be affected, but, mostly likely may see an increase in the creation of jobs. Additionally, the Department finds that at worst, no new business will be created, and no business will be eliminated; however, the Department finds that it is likely that private businesses may be created and or expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that assists land managers and partners to provide recreational opportunities within the State. This regulatory action also benefits the State's environment by improving the funding method that supports resource protection and restoration activities related to OHV recreation.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORTING

None.

SMALL BUSINESS DETERMINATION

The Department has determined there are no cost impacts on small businesses. Program history has shown that small businesses benefit by the Program. Many of the grant funds go to entities that utilize small businesses when they purchase goods and services. The proposed changes will provide a more streamline and efficient program that should boost the ability of small business to capture revenue from the various grantees.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period or at the public hearing.

CONTACT PERSON(S)

Inquiries concerning the proposed action may be directed to:

Sixto J. Fernandez, Grants Manager
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
PO Box 842896
Sacramento, CA 94296
(916) 324-1572
sixto.fernandez@parks.ca.gov.

The back-up contact person regarding the proposed action is:

Katie Buesch, Grant Administrator
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
PO Box 942896
Sacramento, CA 94296
(916)-639-4587 Caitlyn.buesch@parks.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The Department will make the entire rulemaking available for inspection and copying throughout the rulemaking process at its office located at California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division, 715 P Street, Sacramento, CA 95814

As of the date this Notice of Proposed Rulemaking is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, the express terms of the regulation, the Initial Statement of Reasons, any information upon which the proposed rulemaking is based, and an economic impact assessment contained in the Initial Statement of Reasons. Copies may be obtained by contacting the above contact person at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice of Proposed Rulemaking. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Sixto Fernandez, Grants Manager at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout is available through the Division website at www.ohv.parks.ca.gov, under the grants link.